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 6 Attorneys for Defendants
 7 AC SQUARE, INC., AFSHIN GHANEH,
 ANDREW BAHMANYAR

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 DANIEL KEATING-TRAYNOR on
 12 behalf of himself and all others similarly
 situated,

13 Plaintiffs,

14 v.

15 AC SQUARE, INC.; COMCAST INC.;
 16 AFSHIN GHANEH; ANDREW
 BAHMANYAR; and DOES 1 THROUGH
 60, inclusive,

17 Defendants.

18
 19 Case No. CV-08-3035-EDL

**[CALIFORNIA ACTION NO. CIV 464144
 CONSOLIDATED BY ORDER OF
 COURT WITH CIV 473571]**

**[PROPOSED] ORDER GRANTING
 DEFENDANT AC SQUARE, INC.'S
 MOTION TO DISMISS**

**Date: August 19, 2008
 Time: 9:30 a.m.
 Dept: Courtroom E, 15th Floor
 Judge: Honorable Magistrate Judge
 Elizabeth D. Laporte**

20 Defendant AC Square, Inc.'s Motion to Dismiss Plaintiff's first, second, third, fourth and
 21 fifth causes of action from Plaintiff's Complaint, action number CV-08-3025-EDL came on
 22 regularly for hearing before this Court on August 19, 2008. Ronald A. Peters, Esq. appeared as
 23 attorney for defendant, AC Square, Inc. Daniel Berko appeared as attorney for plaintiff, Daniel
 24 Keating-Traynor. After considering the moving papers, the papers submitted in opposition to the
 25 motion, the papers submitted in reply to the opposition, arguments of counsel and all other matters
 26 presented to the Court, IT IS HEREBY ORDERED THAT, the motion is GRANTED. Plaintiff's
 27 first cause of action for "Conspiracy to Violate Business and Professions Code § 17200" is
 28 dismissed as it fails to state facts sufficient to constitute a cause of action against AC Square, Inc.;

1 Plaintiff's second cause of action for "Violation of Fair Labor Standard Act" is dismissed as it fails
2 to state facts sufficient to constitute a cause of action against defendant AC Square, Inc.; Plaintiff's
3 third cause of action for "Conspiracy to Violate the Fair Labor Standard Act" is dismissed as it fails
4 to state facts sufficient to constitute a cause of action against defendant AC Square, Inc.; Plaintiff's
5 fourth cause of action for "Failure to Pay Monies Due at Termination of Employment" is dismissed
6 as it fails to state facts sufficient to constitute a cause of action against defendant AC Square, Inc.;
7 Plaintiff's fifth cause of action for "Conspiracy to Violate [California] Labor Code Section 558" is
8 dismissed as it fails to state facts sufficient to constitute a cause of action against defendant AC
9 Square, Inc..

10 Dated: _____

11 Honorable Magistrate Judge Elizabeth D. Laporte

12 Firmwide:85790458.1 047098.1008

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